



Legislation Text

File #: 2009-0545, **Version:** 2

Clerk 10/06/2009

A MOTION extending a waiver from competitive bidding and solicitation requirements to assure timely availability and acquisition of emergency design, construction and other required services, materials and equipment necessary to protect King County citizens, facilities, roads and other assets from the threat of flooding in the Green River valley.

WHEREAS, in Ordinance 16639, King County amended its code to proactively address the significant threat of flooding in the Green River valley due to the diminished capacity of Howard Hanson dam, and

WHEREAS, the King County executive on September 10, 2009, issued a Proclamation of Emergency declaring that the release of additional waters from the Howard Hanson dam poses a threat of significant flooding throughout the Green River valley, causing substantial injury and damage to persons and property located in and near such valley, and thereby constitutes an emergency, a copy of the Proclamation is attached hereto, and

WHEREAS, pursuant to K.C.C. 4.16.050.A and K.C.C. 12.52.030.B.2, the Proclamation of Emergency also waived the competitive procurement requirements of state and county law, stating in relevant part as follows:

"In order to prepare for, prevent or respond to such emergency, the requirements of K.C.C. 4.04., 4.16, 4.18, 12.16 and 12.18.095 and, pursuant to RCW 38.52.070(2), the requirements of competitive bidding and public notice are hereby waived with reference to any contract relating to the county's lease or purchase of supplies, equipment, personal services or public works as

defined by RCW 39.04.010, or to any contract for the selection and award of professional and/or technical consultant contracts," and

WHEREAS, under K.C.C. 4.16.050 A. and B., such a waiver stays in effect until terminated by order of the executive, terminated by action of the council by ordinance or it expires, which is ten calendar days after there have been contracts entered into, which combined, encumber funds either in excess of two hundred fifty thousand dollars or in excess of appropriation, unless the council extends the waiver by motion beyond the ten day period, and

WHEREAS, an extension of the waiver from the competitive procurement requirements of state and county law is necessary at this time because the magnitude of the expenses to be incurred will almost immediately exceed the two-hundred-fifty-thousand-dollar limit, and

WHEREAS, nothing in this motion is intended to preclude the council from amending the reporting requirements identified in this motion in Proposed Ordinance 2009-0559 as adopted, and

WHEREAS, by code the council has the authority to terminate waivers by ordinance;

NOW, THEREFORE, BE IT MOVED by the council of King County:

A. The September 10, 2009, waiver of the competitive procurement requirements of state and county law is extended through March 31, 2010, in order to acquire design, construction and other required services, supplies, materials and equipment necessary to implement actions to protect King County citizens, roads, buildings and other assets from flooding due to the diminished capacity of the Howard Hanson dam.

B. The extension of the waiver has the following conditions:

1.a. At such time as contracts, including, but not limited to, work orders and change orders to existing contracts, are entered into pursuant to this emergency that exceed fifty thousand dollars, the executive shall file a report every other Thursday by noon. The report shall begin the week following adoption of this motion and shall cover the contracts entered into on the previous Sunday to Saturday, and for each contract include the following:

- (1) the responsible agency;
- (2) the type of work;
- (3) the vendor;
- (4) the type of contract, for example new or altered scope;
- (5) a description of the contract;
- (6) the duration of the contract;
- (7) the forecasted dollar amount;
- (8) if applicable, the dollar amount in excess of appropriation, and
- (9) if applicable, any modifications made to previously reported contracts that changes the

information provided in prior reports to meet the requirements in subsection A.1.a.(1) through (8) of this motion.

b. The original and twelve copies of the report shall be filed with the clerk of the council, for distribution to all councilmembers, the council chief of staff, the council director of strategic policy initiatives and the lead staff to the budget and financial management committee, or its successor.

c. In the event that contracts, including, but not limited to, work orders and change orders to existing contracts, are entered into pursuant to this emergency with the same contractor or vendor that encumbers one-million dollars or more, the executive shall provide electronic notice to all councilmembers, the council chief of staff, the council director of strategic policy initiatives and the lead staff to the budget and financial management committee, or its successor, within two business days of entering into such agreement.

C. The council may, by motion, shorten the extension of the waiver at any time.

D. The council may, by motion, require the executive to terminate contracts entered into pursuant to this emergency that exceed fifty thousand dollars, including, but

not limited to, work orders and change orders to existing contracts, in accordance with the termination

provisions described in K.C.C. 4.16.050.C.